



MEMO ENDORS

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 15, 2019

VIA ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Moore v. United States*, 18-cv-03679 (KMK) (PED)

Dear Judge Karas:

This Office represents the United States of America (“the Government”) in the above-referenced federal health clinic malpractice action. The Government respectfully requests that the court adjourn the next initial pretrial conference, currently scheduled for November 15, 2019, to a date on or after December 10, 2019. We make this request because Plaintiff, currently proceeding *pro se*, has informed counsel for the Government that he needs additional time to find new counsel. We further request that the Court extend the deadline for Plaintiff to find new counsel from November 14, 2019, to December 9, 2019, and to set that date as a final deadline. Based on my conversation with Plaintiff, I understand that he consents to this adjournment request.¹

Background

On October 16, 2019, this Court granted a motion to withdraw filed by Plaintiff’s prior attorneys. *See* Dkt. No. 41. The Court’s order provided that Plaintiff had thirty days to find new counsel, and that outgoing Plaintiffs’ counsel was to advise Plaintiff of the order. *See id.* Plaintiff has now informed counsel for the Government that he was unaware of that deadline, but is currently attempting to find new counsel.

We respectfully request to adjourn the conference so that, if Plaintiff obtains new counsel, that attorney can appear on behalf of Plaintiff at the next conference. As set forth in the Government’s letter dated September 17, 2019, the Government has requested a pre-motion conference in advance of the Government’s anticipated motion for summary judgment, given that Plaintiff—represented by counsel at the time—adduced no medical expert evidence ahead of the September 15, 2019, expert discovery deadline for Plaintiff’s experts. *See* Dkt. No. 35.

¹ After discussing the issue by phone, the undersigned emailed Plaintiff a proposed joint adjournment request on November 8, 2019. As of the filing of this letter, I have not heard back regarding that proposed joint request and subsequent attempts to contact Plaintiff have been unsuccessful.

This is the second request for an adjournment of this conference. The Court granted a prior joint request by the parties, and later also subsequently *sua sponte* adjourned this conference again after granting a request by the parties for an extension of the discovery deadlines. I sincerely apologize for submitting this request only two days ahead of the conference.

The undersigned is available for a conference on December 10, December 12, December 17-20, and December 23. Thank you for your consideration of this matter.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney

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cc: *Pro se* Plaintiff (via ECF and U.S. mail)

Granted. The new conference
date is 12/18/19, at 10:00

So Ordered.
AK MK
11/13/19